

# Report

## Planning Committee

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### Part 1

Date: 2 November 2016

Item No: 5

**Subject** **Planning Application Schedule**

**Purpose** To take decisions on items presented on the attached schedule

**Author** **Interim Head of Regeneration, Investment and Housing**

**Ward** As indicated on the schedule

**Summary** The Planning Committee has delegated powers to take decisions in relation to planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

**Proposal** **1. To resolve decisions as shown on the attached schedule.**  
**2. To authorise the Interim Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached**

**Action by** Planning Committee

**Timetable** Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

## **Background**

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

## **Financial Summary**

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded

against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

## Risks

Three main risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal can be defended at appeal.</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 016/2014.</p> <p>Provide guidance to Planning Committee regarding relevant</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services</p>

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
			material planning considerations, conditions and reasons for refusal.	Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Development Services Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee  Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Development Services Manager

\* Taking account of proposed mitigation measures

### Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

### **Options Available**

- 1) To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Committee's reasons for its decision must be clearly minuted);
- 3) To decide to carry out a site visit, either by the Site Inspection Sub-Committee or by full Planning Committee (in which case the reason for the site visit must be minuted).

### **Preferred Option and Why**

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

### **Comments of Chief Financial Officer**

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

### **Comments of Monitoring Officer**

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

### **Staffing Implications: Comments of Head of People and Business Change**

Development Management work is undertaken by an in-house team and therefore there are no staffing implications arising from this report. Officer recommendations have been based on adopted planning policy which aligns with the Single Integrated Plan and the Council's Corporate Plan objectives.

## **Local issues**

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

## Planning (Wales) Act 2015 (Welsh Language)

Section 11 of the Act makes it mandatory for all Local Planning Authorities to consider the effect of their Local Development Plans on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires Local Planning Authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.

Section 31 clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

## Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

## **Consultation**

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

## **Background Papers**

### **NATIONAL POLICY**

Planning Policy Wales (PPW) Edition 8 (January 2016)

Minerals Planning Policy Wales (December 2000)

#### *PPW Technical Advice Notes (TAN):*

- TAN 1: Joint Housing Land Availability Studies (2006)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2014)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language: Unitary Development Plans and Planning Control (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

### **LOCAL POLICY**

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

#### Supplementary Planning Guidance (SPG):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)
- Houses in Multiple Occupation (HMOs) (adopted August 2015)

New dwellings (adopted August 2015)  
Parking Standards (adopted August 2015)  
Planning Obligations (adopted August 2015)  
Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)  
Wildlife and Development (adopted August 2015)

## **OTHER**

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule



## APPLICATION DETAILS

No: 16/0526 Ward: **BETTWS**

Type: FULL (MAJOR)

Expiry Date: 04-NOV-2016

Applicant: **T. HARRIS, CHARTER HOUSING ASSOCIATION**

Site: **BETTWS DAY NURSERY, DON CLOSE, BETTWS, NEWPORT, NP20 7RT**

Proposal: **DEMOLITION OF EXISTING NURSERY BUILDINGS AND THE DEVELOPMENT OF 10NO. SEMI DETACHED HOUSES, A BLOCK OF 6NO. ONE BEDROOM FLATS WITH ASSOCIATED ENGINEERING WORKS**

**RECOMMENDATION: GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF THE RESOLUTION TO GRANT PLANNING PERMISSION.**

### 1. INTRODUCTION

1.1 This application seeks permission for the demolition of the disused Bettws Day Nursey on Don Close / Monnow Way in Bettws and its replacement by 10 No. semi-detached houses (5 units) and 6 No. one bedroom flats. Associated parking and landscaping will be provided.

	Height (m)	Width (m)	Depth (m)	No. of units	No. of Bed rooms per unit & (in total)	No. of Parking spaces
Flats	To ridge 9.16 To eaves 5.9	19.5	15.75	6	1 (6)	6
House Type A	To ridge 8.0 To eaves 4.8	5.34	10.10	9	2 (18)	18
House Type B	To ridge 8.0 To eaves 4.8	5.87	10.10	1	3 (3)	3
Totals				16	(27)	27

1.2 The development will be built out as a series of perimeter blocks with the flats and one pair of semis facing Monnow Way, one pair of semis facing Humber Road and three pairs of semis facing into Don Close. An area of landscaping will be provided on the prominent Humber Close / Monnow Way junction and there are opportunities for tree and hedge planting elsewhere on the site. The houses have combined drives / parking that accesses onto the relevant roads and a small access road serves the flats from Monnow Way and

gives access to the parking for the flats. All units will have access to a rotary drier and have appropriate bin / recycling storage provision. Each house will have a modest rear garden and a shed.

1.3 The houses are of a traditional appearance with the proposed materials being brick and render. Each house will have an over door canopy and small roof gable to add visual interest. The block of flats reflects the appearance of the houses using brick and render panels. The roof is hipped to reduce bulk at height and visual interest is added by the provision of gable features accommodating Juliet style balconies.

**2. RELEVANT SITE HISTORY**

None.

**3. POLICY CONTEXT**

3.1 Adopted Newport Local Development Plan 2011-2026 (NLDP)

Policy	Wording
SP1 - Sustainability	<p>Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary. they will be assessed as to their potential contribution to:</p> <ul style="list-style-type: none"> <li>i) the efficient use of land;</li> <li>ii) the reuse of previously developed land and empty properties in preference to greenfield sites;</li> <li>iii) providing integrated transportation systems, as well as encouraging the co-location of housing and other uses, including employment, which together will minimise the overall need to travel, reduce car usage and encourage a modal shift to more sustainable modes of transport;</li> <li>iv) reducing energy consumption, increasing energy efficiency and the use of low and zero carbon energy sources;</li> <li>v) the minimisation, re-use and recycling of waste;</li> <li>vi) minimising the risk of and from flood risk, sea level rise and the impact of climate change;</li> <li>vii) improving facilities, services and overall social and environmental equality of existing and future communities;</li> <li>viii) encouraging economic diversification and in particular improving the vitality and viability of the city centre and district centres;</li> <li>ix) conserving, enhancing and linking green infrastructure, protecting and enhancing the built and natural environment;</li> <li>x) conserving and ensuring the efficient use of resources such as water and minerals.</li> </ul>
SP12 – Community Facilities	Development that affects existing community facilities should be designed to retain or enhance essential facilities.
SP13 – Planning Obligations	Development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of its location. this list is not exhaustive, but the following are infrastructure priorities that developments will be expected to provide or contribute to in order to

	<p>mitigate any negative consequences of development:</p> <ul style="list-style-type: none"> <li>• educational facilities and/or their upgrades;</li> <li>• affordable housing;</li> <li>• improvements to the highway network, including walking and cycling routes and public transport;</li> <li>• outdoor recreation;</li> <li>• protection, enhancement and management of the natural, historic and built environments;</li> <li>• community facilities and/or their upgrades; and</li> <li>• improvements to the public realm.</li> </ul>
SP18 – Urban Regeneration	<p>Proposals will be favoured which assist the regeneration of the urban area, particularly where they contribute to:</p> <ol style="list-style-type: none"> <li>i) the vitality, viability and quality of the environment of the city centre;</li> <li>ii) the provision of residential and business opportunities within the urban area;</li> <li>iii) reuse of vacant, underused or derelict land;</li> <li>iv) encourage the development of community uses where appropriate.</li> </ol>
GP2 – General Amenity	<p>Development will be permitted where, as applicable:</p> <ol style="list-style-type: none"> <li>i) there will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;</li> <li>ii) the proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;</li> <li>iii) the proposal seeks to design out the opportunity for crime and anti-social behaviour;</li> <li>iv) the proposal promotes inclusive design both for the built development and access within and around the development;</li> <li>v) adequate amenity for future occupiers.</li> </ol>
GP3 – Service Infrastructure	<p>Development will be permitted where, as applicable:</p> <ol style="list-style-type: none"> <li>i) necessary and appropriate service infrastructure either exists or can be provided;</li> <li>ii) in areas served by the public foul sewer, there is capacity for the development within the system or, if not, satisfactory improvements are provided by the developer; in areas served by the public foul sewer, development will not be permitted with connections to private facilities unless there are exceptional circumstances that prevent connection to the public sewer.</li> </ol>
GP4 – Highways & Accessibility	<p>Development proposals should:</p> <ol style="list-style-type: none"> <li>i) provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;</li> <li>ii) be accessible by a choice of means of transport;</li> <li>iii) be designed to avoid or reduce transport severance, noise and air pollution;</li> <li>iv) make adequate provision for car parking and cycle storage;</li> <li>v) provide suitable and safe access arrangements;</li> <li>vi) design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;</li> <li>vii) ensure that development would not be detrimental to highway or</li> </ol>

	pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
GP6 – Quality of Design	<p>Good quality design will be sought in all forms of development. the aim is to create a safe, accessible, attractive and convenient environment. in considering development proposals the following fundamental design principles should be addressed:</p> <ul style="list-style-type: none"> <li>i) context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;</li> <li>ii) access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;</li> <li>iii) preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. the designer is encouraged to display creativity and innovation in design;</li> <li>iv) scale and form of development: new development should appropriately reflect the scale of adjacent townscape. care should be taken to avoid over-scaled development;</li> <li>v) materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. detailing should be incorporated as an integral part of the design at an early stage;</li> <li>vi) sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.</li> </ul>
H3 – Housing Mix and Density	<p>Residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. a lower density will only be acceptable where it is demonstrated:</p> <ul style="list-style-type: none"> <li>i) physical or infrastructure constraints prevent the minimum density from being reached, or;</li> <li>ii) the minimum density would have an unacceptable impact on design/character of the surrounding area, or;</li> <li>iii) there is a particular lack of choice of housing types within a local community.</li> </ul>
H4 – Affordable Housing	<p>On-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary, or 3 or more dwellings within the defined village boundaries.</p> <p>the authority will seek the provision of affordable housing in accordance with the relevant submarket area target noted below;</p> <p>10% Malpas and Bettws</p> <p>Specific site targets may vary subject to viability and negotiation. For new housing sites of fewer than 10 dwellings within the settlement boundary, or fewer than 3 dwellings within the defined village boundaries, the council will seek a commuted sum contribution. The affordable housing SPG clarifies the methodology for calculating the commuted sum payments.</p>
T4 – Parking	Development will be required to provide appropriate levels of parking, within defined parking zones, in accordance with adopted parking

	standards.
CF12 – Protection of Existing Community Facilities	Proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if: i) alternative provision can be made, of at least an equal benefit to the local population; or ii) it can be demonstrated that the existing provision is surplus to the needs of the community.

#### **4. CONSULTATIONS**

- 4.1 HEDDLU GWENT POLICE (DESIGNING OUT CRIME): No objection and recommends adherence with the 'Secured by Design' standards.
- 4.2 DWR CYMRU / WELSH WATER (DCWW): Advise that suitable water provision and sewerage arrangements can be made. DCWW advise that local surface water drains are in private ownership and the developer should seek the relevant agreement before connecting to these assets. DCWW confirm a water main crosses part of the site and that a suitable easement should be maintained. Conditions are recommended in the event permission is granted to control surface water drainage.
- 4.3 GWASANAETH TÂN AC ACHUB DE CYMRU / SOUTH WALES FIRE & RESCUE SERVICE: The developer should ensure there is a sufficient water supply to fight fires and that fire engines can access the site.
- 4.4 WESTERN POWER DISTRIBUTION: Advise of equipment in the area and safe working practices.

#### **5. INTERNAL COUNCIL ADVICE**

- 5.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS): No objection.
- 5.2 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): No fundamental objections but offers advice on improving the proposed landscaping by planting additional trees in 3 areas of the site.
- 5.3 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): No bats were recorded during the survey. A house sparrow was recorded nesting on the building therefore any demolition should be undertaken outside bird nesting season. Two bird boxes should be erected on the site as compensation for the loss of the nest.
- 5.4 HEAD OF STREETSCENE & CITY SERVICES (TREES): Retained trees should be clearly marked on the layout plan, the impact of any regrading of site levels within the site should be made clear, shrubs should not be planted within the root protection areas of trees to reduce competition for nutrients. The layout offers opportunities for tree planting and these should be taken advantage of.
- 5.5 PUBLIC PROTECTION MANAGER (NOISE): No objection but advises that a 'Construction and Environmental Management Plan' be required under condition to protect local amenity.
- 5.6 HEAD OF REGENERATION, INVESTMENT & HOUSING (HOUSING STRATEGY): Housing Services fully support the application for the proposed affordable dwellings.
- 5.7 HEAD OF REGENERATION, INVESTMENT & HOUSING (PLANNING POLICY): Identifies relevant policies and concludes the proposal is policy compliant.

## 6. REPRESENTATIONS

### 6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (55 properties) and a site notice was displayed. A press notice was published in the South Wales Argus on the 11 August 2016. Twenty objections were received (some repeat comments following a re-consultation) making the following comments:

- Contractors will park in the road using up available spaces.
- There is not enough parking in Don Close.
- People use the space outside the nursery to park in and this will be lost.
- New residents will not use their parking spaces and will park in the road.
- Emergency vehicles will not be able to enter Don Close because it is narrow and will be overparked.
- The building process will inconvenience existing residents.
- Children will have nowhere to play.
- Bettws is crowded and this will make it worse.
- The flats will be overbearing.
- Bettws has inadequate facilities which are now overburdened following the completion of recent developments.
- The junction of Bettws Lane and Malpas Road is overburdened and it can take 45 minutes to get off the estate currently. This will make it worse.
- Treecover on the site will be lost.
- Bat roosts will be disturbed.
- The buildings should be retained for community use.
- The new access onto Monnow Way would be unsafe.
- New residents will not be able to turn off their drives because Don Close is too narrow.
- Residents will quarrel about oversubscribed on-street parking.
- Residents in Don Close have been refused drop kerbs.
- The proposal will overdevelop the site.
- No houses should face onto Don Close since it is too narrow to accommodate additional traffic.
- The site should be used to provide bungalows for the elderly.
- Residents were not properly consulted.
- There is insufficient play space in Bettws for children.
- Future occupiers will be anti-social.
- The current building offers little to the area.
- The flats will overlook existing houses.
- There will be construction noise and noise created by the new residents.
- The new buildings will have a greater mass than the existing ones.

### 6.2 COUNCILLOR WHITEHEAD

#### 6.2.1 Makes the following comments:

- My comments are concerning the development at Don Close Nursery, it has become a concern on Bettws regarding the amount of residential development which has sprung up in recent years such as Foxglove Meadows and the small bungalow areas at Ribble Walk and Lambourne Walk.
- Now we have more development planned and granted at Foxglove Meadows running along Bettws Hill to the entrance of Dart Road. The old Merry Miller has been granted planning permission for building flats, the Glen Court site will also have new buildings on it.

- Has Newport Council City actually taken into account the massive lack of infrastructure on Bettws which is already struggling in relation to Doctors, Dentists, Schools and Nurseries? Also Bettws Lane at peak times can be utter chaos with cars the length and breadth of the lane up to Bettws Garage. What real community facilities do we have on Bettws to also cope with the extra influx of many more people?
- These are the conversations I'm having with residents on a weekly basis, by all means grant planning but supplement the estates infrastructure to cope with it.

## 7. ASSESSMENT

7.1 The key issues relevant to the determination of this application are:

- Impact of the Proposal on the Character & Appearance of the area
- Impact of the Proposal on the wider Highway Network
- Impact of the proposal on local parking arrangements
- Impact of the proposal on residential amenity
- Loss of a Community Facility

7.2 Minor Issues are:

- Section 106 matters
- Ecology
- Impact of construction on amenity
- Playspace / characteristics of future occupiers

### 7.3 Character & Appearance

7.3.1 The site slopes gently downwards from south east to the north west and contains two single storey buildings of 1970s vintage which are currently unused. There is a small area of hardstanding to the front of the site (facing Monnow Way) used for parking and the rest of the site is landscaped with some mature trees at the rear of the building facing onto Don Close. There is a large area of grass verge on the Humber Close / Monnow Way junction which is typical of the landscaped areas of Bettws.

7.3.2 The proposal is for a two storey block of flats and 5 pairs of semi-detached houses. The scale of the proposed development is larger than what is currently on the site but typical of the estate as a whole and not out of character. The applicant has provided cross-sections that show the flats (the tallest part of the proposal) would not be overbearing on the houses on the northern side of Monnow Way which are set down from the site due to the degree of separation. The houses on Don Close are set up from the site and there would be no overbearing impact on them. Separation distances are approximately 25m between the houses on Monnow Way and the development and approximately 21m between the proposed houses facing onto Don Close and the existing houses across the road. This level of separation would give acceptable levels of inter-visibility.

7.3.3 In general terms most houses in the vicinity are mainly pebble dashed with some brick panelling and grey tile roofs. Most originally had a small over door flat canopy. Semi-detached and terraced forms are typical on this part of the estate. The new buildings will be mainly brick with rendered panels and will have gable features and pitch-roofed over door canopies. The new buildings are traditional in design and materials but will be clearly different to those around them. However the site is contained and any differences will not be jarring. The design and material of the proposed buildings is acceptable and compliant with Policy GP6i (context of the site), GP6iv (scale and form) & GP6v (materials).

7.3.4 The proposal will reduce the level of greenery on the site and will result in the loss of mature trees. Policy GP5vii requires tree retention where appropriate. In this case the trees are not protected but do beneficially add to the landscaping of the current site. However the proposal although increasing the built footprint of the site and resulting in the loss of vegetation does offer scope for landscaping and will retain a significant area for landscaping on the prominent Humber Close / Monnow Way junction. Other parts of the site offer opportunities for planting outside of private gardens including to the rear of the flats and alongside the access road into the site. Overall the loss of greenery and the scope for re-planting which can be secured under condition means that the any loss of greenery is not harmful overall and the proposal is acceptable in landscape terms and preserves the 'green setting' of Bettws.

#### 7.4 Highway Impact

7.4.1 Significant objection has been raised in terms of the impact of the proposal on the wider highway network with a particular focus on the Bettws Lane / Malpas Road junction at peak times. Delays of up to 45 minutes exiting the estate are reported. The Head of Streetscene & City Services has not objected to the proposal and there is no reason to think the traffic generation from a development of this scale would have an unacceptable impact on the local highway network in terms of overburdening the network. Policy GP3i (infrastructure) is complied with.

7.4.2 The Head of Streetscene & City Services has raised no concerns in relation to the proposed entrance in terms of visibility and safety. The applicant has proposed to slightly widen Don Close and has provided track testing to show vehicles can exit the proposed drives onto Don Close even if a vehicle up to Transit van size is parked opposite. The proposal will not reduce the on-street parking in Don Close and each new house will have one parking space per bedroom meaning it is unlikely there will be an unacceptable increase in demand for on-street parking in Don Close.

#### 7.5 Parking

7.5.1 27 parking spaces are provided which is one per bedroom. This is fully compliant with the Council's Supplementary Planning Guidance 'Parking' without the application of any sustainability assessment.

7.5.2 The public are currently using the hardstanding on Monnow Way for parking (approximately 9 spaces). However the land is private property and the owner could prevent this use at any time. As such the loss of this private parking can be given very little weight.

#### 7.6 Residential Amenity

7.6.1 As noted at Paragraph 7.3.2 separation distances are acceptable in relation to existing dwellings and no overbearing impact will be evident. Internally window to window separation will be of the order of 20m which is marginally below the 21m standard but is considered acceptable. In two relationships rear windows will face towards the gable ends of neighbouring dwellings with the separation distances being below the 14m desirable separation. In one instance the deficiency is approximately 1m and is not considered harmful given the elevated position of the affected dwelling. In the second case the separation is 8.5m and significantly deficient. However the room affected is served by two windows with only one facing directly onto the gable end. As such the amenity for future occupiers would be acceptable.

7.6.2 Garden depths are between 7 and 9m and fall below the required 10m standard. However the houses are set back from the highways reflecting the general development pattern in the area. This is a desirable feature of the development and does not leave the rear gardens as being unacceptably small. There is sufficient room for a shed, a rotary drier and storage of recycling facilities whilst leaving a modest area for sitting out. Gardens will slope but there is no indication that levels will be too steep to make the gardens useable. Outdoor amenity space is not overgenerous but is marginally acceptable for dwelling houses. The flats will have a communal



area for drying clothes, for storage of bins and a cycle store. The flats have limited outdoor space but this is an accepted part of living in a flat and Bettws has good levels of accessible green space some of which is within 200m of the site. Overall outdoor amenity space is acceptable. Policies GP2ii (visual amenity) & GP2v (amenity of future residents) are met.

7.6.3 The sloping nature of the site will necessitate the provision of a retaining wall to provide suitable development levels within the scheme and to enable appropriate levels for easy access. Gardens will slope but all the units will have some level garden and other areas of garden on an acceptable slope. The retaining wall will vary in height but will be approximately 1.5 – 2.0m high to the rear of the houses facing Monnow Way and Humber Road. This is high and will appear higher with a boundary treatment on top of it. However the sloping nature of the site and the need to secure level development platforms makes this a necessity and it is not considered that the impact on the amenity of the garden areas will be so great as to be unacceptable. It is proposed to control materials to ensure the appearance of the walls and fencing is acceptable. At the rear of the parking area for the flats the retaining wall will be up to 2.8m high but this is not a sensitive area and that level of impact is acceptable. To the rear of the flats the slope will not be retained but will be battered back at approximately 45 degrees, this is also acceptable.

## 7.7 Loss of a Community Facility

7.7.1 The building is currently disused but was formerly a Day Nursery. The site was last used in 2014 after new nurseries were opened in Monnow and Millbrook Primary Schools. The building is currently in Council ownership but a buyer is being sought. In planning terms the building remains a community facility despite not being in use. Policy CF12 allows the loss of such facilities if they can be shown to have been adequately replaced or are surplus to local needs. Given the children who previously attended the nursery are now attending alternative provision at local primary schools there has been no unacceptable loss of a local facility and the Policy is complied with.

## 7.8 Section 106

7.8.1 The applicant has confirmed they are prepared to enter into a S106 agreement that will secure contributions for:

- 10% affordable housing or a commuted sum.
- Formula based sums for education.
- Formula based sum for leisure.
- A monitoring fee.

7.8.2 Contributions will only be levied in the event the development is not delivered as 100% affordable. Under policy only 10% of the units can be secured by legal agreement but if the development is delivered as being 100% affordable as expected then no contributions will be levied.

## 7.9 Ecology

7.9.1 The Ecology Officer confirms she is content that the proposal will not have any adverse impact on bats, a European protected species.

7.9.2 A condition requiring the provision of nesting boxes will acceptably mitigate for the loss of onsite nesting opportunities.

## 7.10 Impact of Construction Activities

7.10.1 The site is surrounded by dwellings, the impact of construction activities can be mitigated by the application of a Construction Environment Management Plan as advised by the Public Protection Manager. It is not a reason to withhold permission.

## 7.11 Playspace / characteristics of future occupiers

7.11.1 There is a playground at the end of Humber Close approximately 300m from the site. The current site is not an area children can currently play on and there is an area of open grassland immediately to the west of the site of approximately 0.18Ha in size which could accommodate informal play. As noted accessible natural greenspace is within 200m of the site. Overall it is not considered the proposal would cause any loss of any existing play space or place any unreasonable demands upon existing play space.

7.11.2 The accommodation is proposed to be 100% affordable. There is no reason to think the future occupiers will be anti-social or cause any increase in crime in the area.

## 8. **OTHER CONSIDERATIONS**

### 8.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### 8.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

### 8.6 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

### 8.7 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## 9. CONCLUSION

9.1 The proposal is acceptable and permission should be granted subject to conditions.

## 10. RECOMMENDATION

**GRANTED WITH CONDITIONS SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO REFUSE PERMISSION IF THE AGREEMENT IS NOT COMPLETED WITHIN 3 MONTHS OF THE RESOLUTION TO GRANT PLANNING PERMISSION.**

### ***Plans Condition***

01 The development shall be implemented in accordance with the following plans and documents:

- Drawing 2907 101 A - Drainage Schematic
- Drawing 3012 A(2-)L1 A – House Type A Plans
- Drawing 3012 G(9-)L1 E – Proposed Site Layout
- Drawing 3012 G(9-)L1 F – Proposed Site Layout
- Drawing 3012 G(9-)X1 – Proposed Cross Sections
- Drawing 3012 A(2-)E1 A – House Type A Elevations
- Drawing 3012 A(2-)L1 A - House Type A Plans
- Drawing 3012 B(2-)L1 A – House Type B Plans
- Drawing 3012 C(2-)E1 B – Apartment Block C GA Elevations
- Drawing 3012 C(2-)L1 B – Apartment Block C GA Floor Plans Level 01
- Drawing 3012 G(9-)X1 A – Proposed Cross Sections
- Drawing 3012 B(2-)E1 A – House Type B Elevations
- Drawing 3012 C(2-)LO B – Apartment Block C GA Floor Plans Level 00

**Reason:** In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

### ***Pre- commencement conditions***

#### CEMP

02 No development, to include demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- details of temporary lighting;
- details of enclosure of working areas;
- details of off-road contractor parking;
- position and dimensions of the site office and workers welfare buildings;
- details of the position of any plant;
- details of the position of storage compounds and any spoil tips.

Development works shall be implemented in accordance with the approved CEMP.

**Reason:** To protect the amenities of nearby residents.

### ***Pre – construction conditions***

#### Landscaping

03 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved

scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April inclusive.

**Reason:** To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

#### Road Construction details

04 No development, other than demolition, shall commence until full details of the layout, widths, gradients and means of construction of all carriageways and footpaths, details of means of access from existing roads and details of all foul and surface water sewers has been submitted to and approved in writing by the Local Planning Authority. With the exception of the final wearing course, the development shall be completed in accordance with the details as approved prior to the first occupation of any building. The final wearing course shall be completed prior to the first occupation of the last building.

**Reason:** To ensure that the roads shall be constructed and sited to the satisfaction of the Council so far as to provide a proper means of access for traffic and to ensure that the land can be adequately drained.

#### ***Pre-occupation conditions***

##### Details of bike store / bin store

05 Details of the bike store and arrangements for bin & recycling container storage to serve the flats shall be provided to the Council. Following the Council's written approval of those details the stores shall be provided as agreed prior to the occupation of the flats and retained as agreed thereafter.

**Reason:** to ensure the proper storage of bins and recycling containers in the interest of amenity and to improve the sustainability credentials of the scheme by encouraging cycling.

##### Boundary Treatments

06 Notwithstanding the submitted details full details of all boundary treatments and retaining walls proposed for the site shall be provided in writing to the Council. Details shall include the heights of any retaining walls and the materials to be used to build those retaining walls. Following the Council's written agreement to the submitted details the boundary treatments and retaining walls shall be installed as agreed prior to the occupation of any unit to which those boundary treatments or retaining walls relate.

**Reason:** to ensure high levels of visual amenity and an appropriate design standard is achieved on the site.

#### ***General conditions***

##### Drainage

07 Foul water and surface water must be discharged separately from the site. No surface water or land drainage run off shall be allowed to connect to any foul or combined sewer without the Council's written approval.

**Reason:** to ensure the site is adequately drained and so as not to overload the local sewerage system.

### Parking

08 No use shall be made of the buildings hereby approved until the parking and access areas have been provided and surfaced in accordance with condition 04. Thereafter, these areas shall be kept available for parking purposes at all times.

**Reason:** to ensure that adequate off-street parking provision is provided in the interests of highway safety and residential amenity.

### Ecological Mitigation

09 Details of two bird boxes including where they will be located and when they will be installed shall be provided to the Council in writing. Thereafter they shall be installed in accordance with the approved details.

**Reason:** to mitigate for the loss of bird nesting opportunities on the site.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Drawing 2907 101A - Drainage Schematic
- Drawing 3012 A(2-)L1A – House Type A Plans
- Drawing 3012 G(9-)L1E – Proposed Site Layout
- Drawing 3012 G(9-)L1 F – Proposed Site Layout
- Drawing 3012 G(9-)X1 – Proposed Cross Sections
- Drawing 3012 A(2-)E1A – House Type A Elevations
- Drawing 3012 A(2-)L1 A - House Type A Plans
- Drawing 3012 B(2-)L1 A – House Type B Plans
- Drawing 3012 C(2-)E1 B – Apartment Block C GA Elevations
- Drawing 3012 C(2-)L1 B – Apartment Block C GA Floor Plans Level 01
- Drawing 3012 G(9-)X1 A – Proposed Cross Sections
- Drawing 3012 B(2-)E1 A – House Type B Elevations
- Drawing 3012 C(2-)LO B – Apartment Block C GA Floor Plans Level 00
- Drawing 3012 G(90)L2 – Location Plans
- Drawing 2907 102 B – Vehicle Tracking
- Design & Access Statement (May 2016)
- Design & Access Statement Addendum (September 2016)
- Ecological Survey (September 2016) (BAT7815 Rev. 1)
- Drainage Strategy (May 2016)
- Tree Survey (December 2015)
- Preliminary Ecological Appraisal (March 2016)
- Tree Constraints Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, SP13, SP18, GP2, GP3, GP4, GP6, H3, H4, T4 and CF12 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru / Welsh Water on 01443 331155.

04 The Council's Supplementary Planning Guidance – 'Parking Standards' (2015) and 'New Dwellings' (2015) were adopted following consultation and were relevant to the determination of this application.

05 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

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## **APPLICATION DETAILS**

**No:** 15/0526                      **Ward:** **BETTWS**

**Type:** FULL (MAJOR)

**Expiry Date:** 03 February 2017

**Applicant:** **CHARTER HOUSING ASSOCIATION**

**Site:** **FORMER BETTWS DAY NURSERY, DON CLOSE, BETTWS NP20 7RT**

**Proposal:** **DEMOLITION OF EXISTING NURSERY BUILDINGS AND THE DEVELOPMENT OF 10NO. SEMI DETACHED HOUSES, A BLOCK OF 6NO. ONE BEDROOM FLATS WITH ASSOCIATED ENGINEERING WORKS**

### **1. LATE REPRESENTATIONS**

#### *Objection from J. Harrold of Lodden Close, Bettws*

- 1.1 Mr Harrold opposes the proposed houses on the Don Close site because of the amount of traffic it will produce in peak hours, which already causes congestion on the estate.

### **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 The impact of the scheme on the general road network has already been considered in the assessment of the application. It is not accepted that the proposal will overburden the local highway capacity and the Head of Streetscene & City Services has offered no objection to the proposal.

### **3. OFFICER RECOMMENDATION**

- 3.1 Officers remain of the opinion that planning permission should be granted subject to conditions.

## **APPLICATION DETAILS**

**No:** 16/0560      **Ward:** *LLISWERRY*

**Type:** FULL

**Expiry Date:** 28-SEP-2016

**Applicant:** *P POOLE*

**Site:** *LAND TO SOUTH WEST OF, COLSTON COURT, NEWPORT*

**Proposal:** *RETENTION OF INSTALLATION OF ACCESS TRACK AND TURNING FACILITY WITH BOLLARDS AND SECURITY BARRIER*

**Recommendation:** GRANTED WITH CONDITIONS

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission to retain an access track and turning facility with security barrier at land to the south west of Colston Court, in the Lliswerry Ward. The application has been brought to committee as the land is under council control.
- 1.2 The development has been carried out by Natural Resources Wales and this application seeks to retain the scheme implemented that allows the collection of waste from the trash screen in the Lliswerry Pill Reen. Previously the site formed a small area of open space with an informal pathway giving access over the Reen to the wider open space located to the south.

### **2. RELEVANT SITE HISTORY**

- 2.1 None.

### **3. POLICY CONTEXT**

- 3.1 The following policies of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- 3.3 GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance, be accessible by choice of means of transport, be designed to avoid or reduce transport severance, noise and air pollution, make adequate provision for car parking and cycle storage, provide suitable access arrangement ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.
- 3.4 GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

#### **4. CONSULTATIONS**

- 4.1 DWR CYRMU WELSH WATER: A public sewer crosses the application site and the following should be included in any planning permission granted:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

#### **5. INTERNAL COUNCIL ADVICE**

- 5.1 THE HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.

#### **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: The properties that share a common boundary and properties opposite were consulted (7 no. properties) and a site notice was posted at the entrance to the site from Colston Court and one letter of objection was received from the occupier of 2 Colston Court raising the following objections:

- The application states that Newport Norse has given permission for the works to be carried out and the land registry shows that the owner of the land is unknown.
- There is only one drawing showing the barriers and vehicle protection to be installed – no great detail is given of this and the poles shown do not match what is currently on site.
- The applicant has not cleared the rubbish and metal from the development on the site.

#### **7. ASSESSMENT**

- 7.1 The track gives vehicular access from Colston Court and measures approximately 4.0 metres in width by approximately 26.0 metres in length and curves to meet the turning area at the foot of the track. The turning area at the foot of the access track and adjacent to the Lliswerry Pill Reen measures a maximum width of approximately 26.0 metres wide by 10.0 metres in length and the Head of Streetscene and City Services (Highways) is satisfied that the vehicles that use the site can access and egress the site in a forward gear, therefore giving no objection to the application. A barrier has also been constructed at the entrance to the site to prohibit non permitted vehicular access to the site. The land has been excavated to form a level surface for the track which is formed from compact 5mm stone. At the foot of the turning area along the reen, block stones have been put in place to protect any vehicles from accessing the reen.

- 7.2 The objection received states that the land owner is unclear, the rubbish and metal from the development has been left on site and the barriers and vehicle protection installed does not match what is currently on site. The applicant has signed the Certificate of Ownership and served notice to Newport Norse and Newport Norse has given permission for development on land under their control. In any case, land ownership is not a planning consideration and would be a civil matter. The rubbish left on site would also be a civil matter and not a planning consideration, however when undertaking the site visit no commercial rubbish was apparent on site. The final objection was to the difference in the plans and the current situation on site. Correspondence with the applicant has led to revised plans being submitted that accurately reflect the situation on site, with block stones replacing the proposed bollards.

- 7.3 The site is a relatively small parcel of formerly unused land with footpath running alongside. The site is located within the urban boundary and the small scale of the development is considered acceptable given the former use of the site and wider context of the open space



and playing fields that are located to the south of the re-en. The Head of Streetscene and City Services (Highways) is satisfied that vehicles are able to access and egress the site in a forward gear and there are no highway safety issues. On balance it is considered that the proposal is in accordance with Policies GP2, GP4 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **8.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

### **8.3 Having due regard to advancing equality involves:**

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.**

### **8.6 *Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

### **8.7 *Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **9. CONCLUSION**

### **9.1 The retention of the access track with turning facility and barrier is considered to be in accordance with Policies GP2, GP4 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).**

### **9.2 Accordingly, planning permission is recommended to be granted with the following conditions.**

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be retained in accordance with the following plans and documents: PP-060.02 - Lliswerry Access Proposed Works; PP-06.03 - Lliswerry Access Proposed Site Layout (Received 31/08/2016); PP-060.05 – Lliswerry Access Proposed Sections (Received 31/08/2016).

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: PP-060.01 – Lliswerry Access Existing Site Layout; PP-060.02 - Lliswerry Access Proposed Works; PP-06.03 - Lliswerry Access Proposed Site Layout (Received 31/08/2016); PP-060.04 – Lliswerry Access Existing Sections; PP-060.05 – Lliswerry Access Proposed Sections (Received 31/08/2016).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4 and GP6 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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## **APPLICATION DETAILS**

**No:** 16/0665      **Ward:** Victoria

**Type:** Full (Major)

**Expiry Date:** 11-Nov-2016

**Applicant:** EJL PROPERTIES LLP

**Site:** LAND FORMERLY KNOWN AS 21, KELVEDON STREET, NEWPORT, NP19 0DW

**Proposal:** PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 2NO. SMALL RETAIL UNITS AND UNDERCROFT PARKING TO GROUND FLOOR AND 52 NO. APARTMENTS TO UPPER FLOORS (RESUBMISSION)

**Recommendation:** REFUSED

### **1. INTRODUCTION**

- 1.1 This application seeks full planning permission for the development comprising 2no retail units and undercroft parking to ground floor with 52no apartments to upper floors at land formerly known as 21 Kelvedon Street. The application is a resubmission following the withdrawal of a similar proposal.
- 1.2 The site is situated off Corporation Road and is within the Victoria Ward of Newport. It has an area of 0.2 hectares. It is currently vacant and enclosed by palisade fencing with all buildings demolished but was historically a commercial printers until the mid-2000's.
- 1.3 The area is predominantly residential in character with the exception of a small industrial area immediately to the south of the site and a medical centre and pharmacy centre to the east.
- 1.4 The site is located within the urban boundary and constitutes previously developed land. As such the development of the site is welcomed in principle.

### **2. RELEVANT SITE HISTORY**

94/0918	CONSTRUCTION OF CAR PARK AND ERECTION OF 2.4M HIGH PALLISADE BOUNDARY FENCE	Granted with Conditions
02/0353	CHANGE OF USE TO COMMERCIAL PRINTERS	Granted with Conditions
05/0244	DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE FOR RESIDENTIAL PURPOSES (MAXIMUM 25NO. UNITS) (OUTLINE)	Refused
15/1157	PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 2NO. SMALL RETAIL UNITS AND UNDERCROFT PARKING TO GROUND FLOOR AND 52NO. APARTMENTS TO UPPER FLOORS	Withdrawn

### **3. POLICY CONTEXT**

- 3.1 **Newport Local Development Plan 2011 – 2026 (Adopted January 2015)**  
SP1 Sustainability: seeks to ensure the development takes into account sustainable development principles.

SP3 Flood Risk: There is a need to locate development outside of flood risk areas. Where a proposed site such as this is located partly in a flood risk area the consequence of flooding must be investigated and justified.

SP13 Planning Obligations: Proposals of this scale will be required to provide or make contributions to infrastructure.

GP1 General Development Principles – Climate Change: This policy seeks to ensure that the development is to withstand climate change over the lifetime of the development.

GP2 General Development Principles – General Amenity: There is to be no significant adverse effect on the amenity of the existing or new community.

GP3 General Development Principles – Services Infrastructure: This policy requires justification as to the suitability of the service infrastructure required by the proposal.

GP4 General Development Principles – Highways and Accessibility: The proposal must not detrimentally affect the highway capacity. There must be adequate public access and any new roads must be compliant with the Councils design scheme.

GP5 General Development Principles – Protection of the Natural Environment.

GP6 General Development Principles – Quality of Design. Good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment.

GP7 General Development Principles – Environmental Protection and Public Health: This policy seeks to ensure that there is no unacceptable harm to health from a development.

H2 Housing Standards: Housing developments will be required to be built to high standards of environmental and sustainable design.

H4 Affordable Housing: This policy requires sites of 10 or more units to provide on-site affordable housing provision.

T4 Parking: This policy requires adequate level of parking to ensure there is no detrimental impact on the new site or existing community.

### 3.2 **Supplementary Planning Guidance**

Planning Obligations adopted August 2015

Affordable Housing adopted August 2015

Wildlife and Development adopted August 2015

New Dwellings adopted August 2015

Parking Standards adopted August 2015

## 4. **CONSULTATIONS**

4.1 DWR CYMRU – WELSH WATER: Request drainage conditions.

4.2 GWENT POLICE ARCHITECTURAL LIAISON OFFICER: No response.

4.3 NATURAL RESOURCES WALES (FLOODING): The site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river. The FCA accompanying the application states that in the predicted 0.5% (1 in 200 year) plus climate change event the flood levels are 7.82m AOD. They note that the proposed finished floor levels for the parking on the ground floor will be set at 7.85m AOD and the development is therefore A1.14 compliant. Offer no objection subject to a condition setting finished floor levels no lower than 7.85m AOD being included on any permission the Authority is minded to grant. During the 0.1% (1 in 1000 year) plus climate change event the flood levels are 9.06m AOD. Given the proposed finished floor levels the site would flood to a depth of 1.21m, which is over the tolerable limits set out in A1.15 of TAN 15.

## **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): A Transport Statement must be submitted in support of the application.

The site is located within Zone 3 of the Council's supplementary parking guidelines requiring 1 parking space up to a maximum of 3 for the apartments, 1 space per 5 units for visitors, 1 commercial space and 1 space per 60 square metres for the shop units.

Only 53 spaces for the 52 apartments are proposed with no visitors or shop customer spaces whilst 14 spaces are required.

The proposed retail units are located adjacent to the Lilleshall Street link road junction and on-street deliveries are not acceptable.

Confirmation of delivery/removals/refuse collection for the residential element of the scheme are required including track testing for all vehicles.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): Offers no objections subject to conditions requiring an ecologist being on site during ground preparation works and a reptile method statement being submitted and agreed by the Local Planning Authority.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPING): Objects to the application, as the central amenity space is of insufficient area, fragmented and would not be a pleasant place in which to relax, within the car-dominated environment.

The Landscape officer confirms that his objections remain despite the submission of proposals for a 'living wall'.

5.4 PLANNING CONTRIBUTIONS MANAGER: The following S106 planning obligations are required to mitigate the impact of the development:

Affordable Housing - 4 x one bed affordable apartments are proposed. The units will be required to be offered at 50% of ACG and offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards.

Education – (Primary) The development falls within the catchment of St Andrew's Primary School. Taking into account the scale and type of development, as well as school capacity, no contribution is requested. (Secondary) The development falls within the catchment area of Lliswerry High School. Taking into account the scale and type of development, as well as school capacity, no contribution is requested.

Leisure - There is a deficit of 'Formal', 'Equipped' and 'Informal' play provision within the Victoria Ward. In addition to the provision of an on-site equipped play area (to be maintained by a private management company), a commuted sum of £116,835 is required to upgrade and maintain off-site formal and informal open space and play provision at Lysaghts Park. A Monitoring Fee of £2,594 will be required to cover the Council's cost of negotiations and on-going monitoring of the planning obligations.

5.5 HEAD OF LAW AND REGULATION (POLLUTION): No objection subject to conditions.

5.6 HEAD OF LAW AND REGULATION (NOISE): No objection subject to conditions.

5.7 HOUSING AND COMMUNITY REGENERATION MANAGER (AFFORDABLE HOUSING): The provision of one bedroom accommodation addresses the prevailing housing need for this location. The properties appear to have the appropriate space standards as required by Welsh Government, however this, and their compliance with other standards e.g. secure by design etc. would need to be verified by the Registered Social Landlord (RSL) that was acquiring the units. The apartments would need to be transferred to the RSL at 50% of the Welsh Government Acceptable Cost Guidance for this area. The RSL needs to be registered with Welsh Government and zoned to develop and acquire units in Newport. The properties will then be allocated using the Common Housing Register administered by the City Council.

## 6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the site were consulted (115no properties) and a site notice was displayed. 3no responses received with the following objections:
- The application is riddled with mistakes and assumptions that have no foundations;
  - The building would result in overshadowing and loss of light to neighbouring properties. Neighbours have a right to light and will begin proceedings for compensation if the planning permission is given consent;
  - A detailed study should be carried out of the loss of light to Witham Street;
  - The development would be out of keeping with the immediate area and is totally unacceptable in terms of visual impact;
  - The development would result in a loss of privacy for neighbours;
  - The development would result in a loss of property value;
  - There is not enough parking for existing residents;
  - Question whether parking restrictions could be imposed if planning permission is granted;
  - There is already too high a volume of traffic in the area;
  - There are no primary school places available in the area;
  - There are already vacant properties and shops in the area and there is no need for any more;
  - The development will in no way enhance the area;
  - There will be noise and disruption to neighbours during the construction of the building;
  - The height of the building is unacceptable;
  - Existing properties and their gardens would be overlooked;
  - Drug abuse and anti-social behaviour is already a problem in the area and the addition of a playground would make this worse;
  - Question, who will police the communal areas;
  - Communal bins are a health hazard.

## 7. ASSESSMENT

- 7.1 The built form of the proposed development would take a horse-shoe shape around the edge of the site. It would be five storeys high with under-croft parking at ground floor level. As noted above, two retail units are also proposed at ground floor level with floor areas of 84sqm and 53sqm. The retail units would front Kelvedon Street and the junction with Witham Street. An equipped play area is proposed to the north of the site and small pockets of planting and landscaping areas are proposed to intersperse the parking around the site. Vehicle access to the parking areas would be from Kelvedon Street and vehicles would exit onto Feering Street to the south.
- 7.2 13no flats are proposed on each of the four floors. 52no car parking spaces, a bicycle park, two bin storage and recycling areas are proposed at ground floor. A mixture of two bed and one bed flats are proposed. Four of the units would be of an affordable nature.
- 7.3 An Outline application for the residential development of the site for up to 25 units was made in 2005 and was eventually refused in 2008 on grounds of flooding and the applicant's failure to agree to the Council's Heads of Terms for financial contributions.
- 7.4 **Visual Impact**
- Surrounding residential development is largely two storeys in height and of a traditional terraced style. The roof height of the proposed four storey building with under-croft parking would be 15m. The ridge height of neighbouring terrace properties is typically 9m. The introduction of a five storey block within such close proximity to existing lower rise development would result in an alien form of development that would introduce a discordant and dominating element to the street scene.
- 7.5 Reference has been made to other high rise developments that have been approved in the City, in particular near to the waterfront and within close proximity to existing two storey dwellings. The applicant has specifically referred to a development at Rodney Road (known as City Vizion) which is situated on the east riverbank. The applicant points out that this development included a

5 storey apartment building opposite 2 storey terrace properties with a distance of 14m between the two. The approved building has steep gables with pitched roofs that have (in the applicant's opinion) a far greater impact than the flat roof design of the proposed building at Kelvedon Street. The presence of such developments is acknowledged. However, every application must be considered on its merits. The regeneration characteristics of the site referred to are particularly relevant and the site differs from Kelvedon Street site in that it formed part of a wider site that was the subject of Supplementary Planning Guidance and was considered to "represent one of the highest profile development opportunities in the City" – (Development Brief – Rodney Parade, Newport Planning and Design Guidelines SPG July 2006). Obviously a major development site within the City of Newport and situated adjacent to the riverfront, a key design principle of the development as required by the SPG was that it should provide a "coherence to the urban edge of the river, a strong, permeable, urban façade, along the riverfront" with "landmark buildings and public spaces in key locations". Clearly, a low density development would not have been appropriate in this location and the regeneration benefits of the area were recognised as being City-wide.

- 7.6 Whilst the re-development of the Kelvedon Street site is recognised as having regeneration benefits, they are not considered to be of the same significance to the key riverfront site identified by the applicant and do not outweigh the visual harm that the development would result in. In addition, the building referred to by the applicant is situated at a former builder's merchant's yard and so the residential development represented a significantly more compatible neighbour. In contrast, whilst the application site was previously occupied by a commercial printing factory, it has been vacant for a considerable amount of time and there is currently no fall back to be given weight here as the site is cleared.
- 7.7 Furthermore, the bland, box-like design of the proposed building has no regard to the traditional style of the surrounding dwellings and the form of the new building would jar with the neighbouring terrace dwellings, particularly where the existing and proposed buildings meet side-by-side in close proximity on Feering Street. In addition, the dead street frontage that would occur as a result of the under-croft car parking would be significantly out of keeping and detrimental to visual amenity.
- 7.8 It is acknowledged that the applicant purchased the site prior to the economic crash experienced several years ago and that consequently, the redevelopment options for the site are limited in viability terms. The applicant has submitted financial information in support of this. Whilst economic viability can be a material consideration, it is for the Council to consider how much weight should be given to this when balanced against all other considerations. In this instance the harm identified by officers as described above, is significant. The site is a windfall not allocated for residential use in the LDP and the Council has a healthy 5.9 year residential land supply.

#### 7.9 **Amenity**

As noted above, the proposed building would be within close proximity to existing terrace properties, both side-by-side in the case of Feering Street and Witham Street and also opposite in the case of Witham Street. The building would be within 14m of no's 67 to 83 Witham Street with a face-to face relationship. This distance is considerably less than the 21m that is generally accepted as a suitable distance for such relationships between two storey buildings. It is acknowledged that this is the distance between the facades of many of the surrounding terrace properties. Whilst this may be acceptable from a privacy perspective, being significantly greater in height, the proposed building would be considerably more overbearing than a two storey terrace-type property. Furthermore, there would be considerably more windows overlooking the existing properties on multi-levels, which would give existing residents opposite the site the feeling of being overlooked, to the detriment of their privacy and amenity.

- 7.10 Being to the south-west of no's 67 to 83 Witham Street, the proposed building would result in overshadowing. No solar shading information has been provided with the application and consequently inadequate information has been provided to enable the Local Planning Authority to

satisfy itself that the proposals would not result in an unacceptable degree of overshadowing and therefore an unacceptable impact on the amenities of existing residents.

- 7.11 The scheme includes some external amenity space and small pockets of landscaping. These areas are interspersed amongst the under-croft parking areas. The Council's Landscape Officer previously objected to the scheme and considered the landscape content to be poor. The applicant states that the landscaping has subsequently been improved so that additional planting beds are provided and have been enlarged and the number of trees has been increased from three to nine.
- 7.12 The Council's New Dwellings SPG sets out the desired requirement for amenity space for new dwellings including flats. Whilst the occupants of the proposed apartments would have access to some dedicated outside amenity space, the proposed level of amenity space would be contrary to the Council's guidance which requires 11sqm of communal amenity space per occupant for blocks containing 81-100 occupants. Furthermore, it is considered that the improvements to the landscaping arrangement, as noted above, are considered insufficient and despite the relatively minor changes, the standard of the amenity space that would be provided would be of a poor standard and undesirable and would be unlikely to be used by the residents to any great degree.
- 7.13 It is considered that the scheme would provide a poor standard of amenity for existing and future residents, contrary to the Council's guidance.
- 7.14 In an attempt to address officers concerns about the appearance of the building and the subsequent visual impact, the applicant has submitted revised plans including the provision of a 'living wall' to sections of the elevations facing Kelvedon Street, Feering Street, Witham Street and also the inner courtyard elevations. A 'green roof' is also to be provided to three sections of the building's roof. In addition to their aesthetic value, the applicant advises that these areas provide a natural 'Eco-System' within the urban environment. However, the proposed 'living wall' solutions do not address the unacceptable scale or massing of the building and would not overcome the resultant impact to the visual amenity of the area or impact on neighbouring amenity.
- 7.15 It should be noted that neighbouring objections relating to loss of property value are not material planning considerations.

7.16 **Highways**

As noted above, under-croft car parking is proposed and vehicle access to the parking would be from Kelvedon Street, exiting onto Feering Street to the south. There would be provision for 53no parking spaces. No visitor parking would be provided. The Council's Parking Standards SPG requires 1 space per bedroom and so the number of spaces proposed would fall short of the Council's guidance. However, the site is located in a sustainable location and the applicant has previously provided a sustainability assessment that demonstrates sufficient points scored to justify a reduction of 1 space per unit. Points are awarded depending on proximity to services and public transport links. The sustainability assessment demonstrates that the site is within close proximity to local facilities with a chemist and medical centre within 200m. The site is within 300m of a bus stop which is serviced by four bus routes. On the basis of the sustainability assessment the site scores well and the parking requirement for the flats can justifiably be reduced to one space per unit which equates to 52no spaces. All units are either one or two bedrooms. As 53 spaces are proposed, visitor parking requirements are not met and there is no justification for this and no allowance in the SPG for this to be omitted. Consequently, the overall parking requirement does not accord with the Council's adopted parking standards and will give rise to additional on street parking demand in the locality.

- 7.17 No off street parking provision is proposed for the two retail units and the details of delivery/servicing for the two retail units which has been provided is considered to be inadequate. The Head of Streetscene (Highways) advises that due to the proximity to the adjacent junction,



on-street deliveries to the commercial units are not acceptable. It is considered that the lack of parking for the commercial element of the scheme, the absence of suitable servicing arrangements and the lack of visitor spaces to serve the residential element would result in a detrimental highways and amenity impact. Pressure for on-street parking in the area is already high due to the terraced nature of the properties and lack of off-street parking. The combination of minimum parking provision for the residential units without any visitor parking allocation and no parking provision and lack of adequate servicing arrangements for the retail units would result in a significant adverse impact on highway safety and the amenities of existing residents.

7.18 The applicant contends that the Council is not being consistent in applying parking provision requirements and again makes reference to the Rodney Parade development. However, the Rodney Parade site is located within Parking Zone 2, whereas the application site is within Zone 3. The Council's Parking Standards differentiate between parking zones in terms of parking provision requirements and reduced parking provision may be acceptable depending on the location of the site. Notwithstanding this, as noted above, a reduction in the parking requirement for the proposed apartments has been accepted on the basis of the sustainability assessment previously provided. It is the absence of any off street parking provision and unsuitable servicing arrangements for the proposed retail units (particularly given the proximity to the adjacent junctions) that is of concern in this instance.

#### 7.19 **Contamination and Noise**

The Head of Law and Regulation (Environmental Health) has been consulted and advises that the Council records indicate the site is a former print works. The site is likely to be contaminated with a range of organic solvents and potentially heavy metals used as pigments. In respect of noise, the site is adjacent to both industrial and commercial land uses. The Head of Law and Regulation (Environmental Health) advises that whilst the Council has no current records of complaint from existing residential receptors, the ambient noise levels may be high and there may be particular industrial or commercial noise impacts that are capable of affecting the proposed development. Furthermore, additional residential premises in the area will potentially give rise to additional concerns in respect of adverse air quality effects.

7.20 The necessary environmental assessments have been carried out and the findings submitted with the application. Environmental Health officers confirm no objections are offered to the proposals subject to conditions relating to further contamination surveys, a condition requiring a construction noise management plan, retail opening hours and delivery times, noise insulation, plant noise and construction noise and dust being imposed.

#### 7.21 **Ecology**

The site consists of rubble and deposited hard-core material. There is potential suitable reptile habitat in adjacent gardens. The Council's Ecology Officer therefore recommends that an ecologist be on site during the ground preparation works prior to commencement of development to check (where possible) the material before it is removed. If any slow worms are found it is recommended that they be moved to the nearby playing fields on Corporation Road. In addition to this a reptile method statement should also be provided by condition. Subject to this, no objections are offered on grounds of ecology.

7.22 The above ecology matters could be dealt with by way of a suitable condition if it were intended to grant planning permission.

#### 7.23 **Flooding**

The site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW advise that their Flood Map information, which is updated on a quarterly basis, confirms the site to be

within the 0.5% (1 in 200 year) and 0.1% (1 in 1000 year) annual probability tidal flood outlines of the River Usk, a designated main river.

7.24 NRW advise that the FCA accompanying the application states that in the predicted 0.5% (1 in 200 year) plus climate change event the flood levels are 7.82m AOD. They note that the proposed finished floor levels for the parking on the ground floor will be set at 7.85m AOD and the development is therefore A1.14 compliant. NRW advise that a condition to set the finished floor levels no lower than 7.85m AOD is included on any permission the Authority is minded to grant.

7.25 NRW advise that during the 0.1% (1 in 1000 year) plus climate change event the flood levels are 9.06m AOD. Given the proposed finished floor levels the site would flood to a depth of 1.21m, which is over the tolerable limits set out in A1.15 of TAN 15.

#### 7.26 **TAN 15 Tests**

Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
  - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
  - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

#### 7.27 **Test 1 – Justification**

**Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement**

7.28 Located within the settlement boundary, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

7.29 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as:

*Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.*

7.30 The proposal satisfies this test.

7.31 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

7.32 ***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***

NRW have not objected to the development on the basis of inadequate flood defences.

7.33 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

No flood mitigation measures are proposed as part of the development.

7.34 ***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

Notification of this could be provided to the developer by way of an informative if planning permission were forthcoming.

7.35 ***Test 5 - Effective flood warnings are provided at the site***

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

7.36 ***Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions***

No details of escape/evacuation routes have been provided to enable to the Local Planning Authority to assess this.

7.37 ***Test 7 - Flood emergency plans and procedures produced by the developer must be in place***

NRW advise that if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.

7.38 A Flood Emergency Management Arrangement document has not been submitted.

7.39 The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements document is acceptable and effective. These procedures would be the responsibility of the developer.

7.40 ***Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters and Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.***

The development would be flood free.

7.41 **Test 10 - No flooding elsewhere.**

NRW do not object to the development on this basis.

7.42 **Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.15) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.**

NRW do not object to the development on this basis subject to a condition requiring finished floor levels to be set no lower than 7.85mAOD.

7.43 **Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 1000mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).**

No details have been provided to enable to the Local Planning Authority to assess the acceptability of escape/evacuation routes.

7.44 NRW advise that during the 0.1% (1 in 1000 year) plus climate change event the flood levels are 9.06m AOD. Given the proposed finished floor levels the site would flood to a depth of 1.21m, which is over the tolerable limits set out in A1.15 of TAN 15, although this would affect the parking areas and the retail units at ground floor only and the residential units would not be affected. Given the less vulnerable nature of these uses and the nature of the flood event (1 in 1000 year), on balance, this is considered to be acceptable.

7.45 However, due to the absence of information the Local Planning Authority is unable to assess the acceptability of access/escape routes in any flood event.

7.46 In summary, it has not been demonstrated that the development is acceptable in terms of flood risk.

7.47 **Retail Impact**

Retail developments proposed in an out-of-centre locations need to satisfy a number of policy considerations to ensure that there are no adverse impacts on the vitality and viability of existing centres. In satisfying the policies, the Local Development Plan acknowledges that the size of the activity proposed will affect how the Council will deal with the requirement to demonstrate need and the application of the sequential test. The level of information required should be proportionate to the size of the scheme proposed. The application proposes 137sqm of retail floor space divided between 2 units – 84.12 sqm and 53.29 sqm.

7.48 The following issues are required to be addressed to satisfy Policy SP19:

- The sequential test can be satisfied
- Impact on defined centres
- The need for the development

7.49 **Sequential Test**

Planning Policy Wales and the Local Development Plan require a sequential approach to site selection for uses that are best located within defined centres. Given the scale of the proposal,

the availability of alternative units within Corporation Road District Centre is considered a reasonable scope for the sequential search. PPW also advises that the sequential approach also requires flexibility and realism from local planning authorities, developers and retailers. The applicant has provided details of Corporation Road District Centre but has not included units on the other side of the George Street Bridge and Wharf Road junction in the survey. However, the District Centre Background Paper which was prepared for the LDP examination noted that Wharf Road and George Street Bridge junction acts as a prominent physical barrier to visitors to the district centre and has essentially created 2 sub-centres – one providing for residents to the west of Wharf Road and the other to the east of Wharf Road. In this respect the longer stretch of Corporation Road District Centre to the east of the junction is considered a reasonable scope for the basis of the applicant's sequential search. The property survey submitted demonstrates that there are no vacant units along this stretch and therefore no sequentially preferable sites available. The proposals therefore meet this test.

#### 7.50 *Impact on defined centre*

The applicant must also consider the impact of the proposed retail units in the form of trade diversion from existing defined centres. Given the scale of the proposal and its location off the main thoroughfare, the customer base for the proposed retail units is likely to be residents living in the locality rather than passing trade which would require a detour off Corporation Road. Given that there are no vacancies in the nearest section of Corporation Road, the scale of the scheme and that the new units will not be visible from the main highway, the proposed retail is considered to have minimal impact on Corporation Road District Centre. The proposals therefore meet this test.

#### 7.51 *Need for the scheme*

PPW and the LDP are clear that need should be demonstrated for uses best located in a defined centre. Precedence should be given to quantitative need over qualitative need; however the LPA can determine the weight to be applied to qualitative need. No quantitative information has been provided to justify the scheme, however a number of qualitative benefits have been highlighted. These include the enhancements to the visual impact of the scheme, providing a focal point to the corner of the development and enhancing the street frontage. In this respect the need for the scheme is considered justified in terms of the qualitative benefits. Whilst no quantitative benefits have been identified, given the small scale of the proposed retail units, the lack of impact to the existing centre and the qualitative benefits identified, it is considered that the retail element is acceptable in this instance despite the lack of evidence demonstrating quantitative need.

#### 7.52 **Policy R8 – Small Scale Retail Proposals**

Small scale retail provision outside a defined centre also needs to satisfy the requirements of policy R8. The scale of residential use proposed is not considered sufficient to justify new retail provision in its own right. Collectively, however, there are a number of housing schemes under construction in the area which will attract new residents to the general locality. The occupancy levels of the nearby District Centre would also suggest that there is spare capacity in the area, although no quantitative information has been provided to confirm this. The retail use is considered to be of an appropriate scale to the locality and is not considered to have an adverse effect on the viability and vitality of the defined centre for reasons noted above. Notwithstanding the servicing and parking shortfall identified above, there is no objection to the principle of a retail use of this scale in the area in terms of residential amenity or extra traffic generation and having regard to retail planning policy.

#### 7.53 **Financial Contributions**

The Contributions Manager advises that the following S106 planning obligations are considered suitable to mitigate the impact of the development and provide a sustainable development:

- 7.54 Affordable Housing: 4 x one bed affordable apartments are proposed. This falls short of the Council's policy requirement of 20% provision. However, the applicant has provided information concerning the viability of the scheme which justifies a reduction in the number of affordable units. The units will be required to be offered at 50% of ACG and offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register and attain the appropriate Welsh Government standards.
- 7.55 Education (Primary): The development falls within the catchment of St Andrew's Primary School. Taking into account the scale and type of development, as well as the current school surplus capacity, no contribution is requested. (Secondary): The development falls within the catchment area of Lliswerry High School. Taking into account the scale and type of development, as well as the current school surplus capacity, no contribution is requested.
- 7.56 Leisure: There is a deficit of 'Formal', 'Equipped' and 'Informal' play provision within the Victoria Ward. A commuted sum of £116, 835 is required to upgrade and maintain off-site open space and play provision at Lysaghts Park. All Leisure Sums will be index linked to the RPI.
- 7.57 Monitoring Fees & Legal Fees: A Monitoring Fee of £2,594 will be required to cover the Council's cost of negotiations and on-going monitoring of the planning obligations, to be paid upon signing of the legal agreement.
- 7.58 The applicant has agreed to the Heads of Terms.
- 7.59 **Other Matters**
- 7.60 As noted above, the site is located within the urban boundary and constitutes previously developed land. The derelict site is also somewhat unsightly and as such the development of the site is welcomed in principle. However, whilst the applicant has submitted the relevant surveys to address concerns relating to noise, air quality and contamination, for reasons outlined above, the development as proposed is unacceptable. No pre-application advice was sought from the Local Planning Authority in respect of these proposals.

## 8. OTHER CONSIDERATIONS

### 8.1 **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### 8.2 **Equality Act 2010**

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

### 8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

8.6 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.7 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

**9. CONCLUSION**

9.1 Whilst the development of this brownfield site is welcomed in principle, a lack of regard has been had to the surrounding development and the proposed building would be discordant and dominating and would result in a detrimental impact to the visual amenity of the area and to neighbouring occupants.

9.2 Inadequate information has been provided to demonstrate that the proposed development would not result in an unacceptable impact in terms of flooding.

9.3 Furthermore, an inadequate level of parking provision would be provided to serve the development and it has not been demonstrated that the retail units could be serviced without an adverse highways and amenity impact.

9.4 It is therefore recommended that the application is refused.

**10. RECOMMENDATION**

**REFUSED**

01 The scale and massing of the building will have a significant adverse impact on existing residents by reason of overbearing effect and overlooking and will represent an unduly dominant building in the street, to the detriment of the visual quality of the street scene and immediate area. No information has been provided that would mitigate this objection. The development would therefore be contrary to Policies GP2 and GP6 of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings.

02 The proposal will have a significant adverse effect on interests of acknowledged importance, namely public safety and amenity, by reason of flood risk and specifically the availability and acceptability of escape/evacuation routes. No information has been provided that would mitigate this objection. This is contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

03 The proposal will have a significant adverse effect on interests of acknowledged importance, namely highway safety and amenity, by reason of an inadequate level of parking or servicing arrangements for the proposal. No information has been provided that would mitigate this objection. This is contrary to Policy GP4 of the Local Development Plan for Newport, 2011-2026 (Adopted January 2015) and to the detriment of highway safety and residential amenity.

04 An inadequate level of amenity would be afforded for the future occupiers of the apartments due to the substandard and undesirable size, location and design of outdoor amenity space to the detriment of their future amenity and contrary to Policy GP2 of the Newport Local Development Plan, 2011-2026 (Adopted January 2015) and the Council's Supplementary Planning Guidance for New Dwellings (Adopted August 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: MSP.2060/06A, MSP.2060/09B & MSP.2060/10B, MSP.2060/01A, MSP.2060/02A, MSP.2060/03C, MSP.2060/02B, MSP.2060/04B, MSP.2060/05, MSP.2060/07A, MSP.2060/08A Design and Access Statement, Flood Risk Assessment, Transport Statement, Noise Impact Assessment, Air Quality Assessment, Contamination Report, Construction Noise Management Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP13, GP1, GP2, GP3, GP4, GP5, GP6, GP7, H1, H2, H3, H4 and T4 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

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## APPLICATION DETAILS

**No:** 16/0782      **Ward:** MARSHFIELD

**Type:** FULL

**Expiry Date:** 27-OCT-2016

**Applicant:** G TASKER, NEWPORT CITY COUNCIL

**Site:** LAND FRONTING 1, ST PETERS CRESCENT, PETERSTONE WENTLOOGE, CARDIFF

**Proposal:** INSTALLATION OF PUMPING STATION

**Recommendation:** GRANTED WITH CONDITIONS

### 1. INTRODUCTION

- 1.1 This application seeks planning permission for the installation of a waste water pumping station at St Peter's Crescent, Peterstone Wentlooge, Cardiff. The proposed pumping station would allow for a number of properties along St Peter's Crescent to connect to the mains sewer in the area.
- 1.2 This application is reported to planning committee as it relates to Council owned land.

### 2. RELEVANT SITE HISTORY

09/0414	ERECTION OF PUMPING STATION	Granted with Conditions
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### 3. POLICY CONTEXT

- 3.1 *Newport Local Development Plan 2011-2016 (Adopted January 2015)*
- Policy SP3 Flood Risk ensures development is directed away from flood risk areas.
- Policy SP4 Water Resources favours developments that minimises water consumption, incorporates SUDs and generally manages water resources and drainage effectively.
- Policy SP5 Countryside limits development outside of the settlement boundary.
- Policy SP6 Green Belt restricts development that impacts on the openness of the Green Belt between Cardiff and Newport.
- Policy SP8 Special Landscape Area restricts development that may impact on the characteristics of the six designated Special Landscape Areas.
- Policy SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.
- Policy GP1 General Development Principles – Climate Change states that development should be designed to withstand predicted climate change and reduce the risks and consequences of flooding, minimise energy requirements, reuse/recycle construction material and meet the relevant BREEAM or Code for Sustainable Homes Level.
- Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.
- Policy GP3 General Development Principles – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be

provided. This includes power supplies, water, means of sewage disposal and telecommunications.

Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy CE3 Environmental Spaces and Corridors safeguards environmental space and corridors as identified on the Proposals Map. Development of environment space will only be permitted where the existing space will be improved or complemented; there is no adverse impact on nature conservation interest; there is an appropriate replacement; or it can be demonstrated that there is an excess of environmental space.

Policy CE6 Archaeology states that proposals in areas known to have archaeological interest or potentially have archaeological interest will be required to undertake an archaeological impact assessment.

Policy CE9 Coastal Zone restricts development within the area of the River Usk and Severn Estuary unless development is required to be on the coast to meet an exceptional need or it is demonstrated that the area itself is not at risk of flooding, erosion or land instability.

#### **4. CONSULTATIONS**

- 4.1 DWR CYMRU/WELSH WATER: No objection.
- 4.2 NATURAL RESOURCES WALES: Given the nature of the proposed development and the connection to mains sewer we do not object to the application as submitted. We advise that all works to be carried out in accordance with the relevant pollution prevention guides to minimise the risk of pollution to controlled waters.
- 4.3.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: We have consulted the regional Historic Environment Record and note that the application area is situated within the Archaeologically Sensitive Area of Newport, although there are no designated sites on the line of the proposed installation. However, it is located close to St. Peters Church, a Grade I Listed Building (Cadw ref. 2938) likely dating to the mid-15th century. A review of historic Ordnance Survey mapping of the area depicts a similar road and landscape form to current mapping, although Hephzibah Baptist Chapel is shown on the corner of Meadow View, facing onto St. Peters Crescent. The proposal is located in the Gwent Levels Registered Historic Landscape (HLW (Gt) 2), specifically the Peterstone Character Area (HLCA017), as defined within the *Register of Landscapes of Outstanding Historic Interest in Wales*.
- 4.3.2 The Gwent Levels, is a former marshland that has been exploited by humans for at least 6000 years and is a landscape of extraordinarily diverse environmental and archaeological potential. Having been reclaimed from the sea at various times during the historic period, the present land surface is a supreme example of a 'hand-crafted' landscape, artificially created and entirely the work of man. Due to recurrent phases of inundation and alluviation there is also the potential for buried, waterlogged deposits belonging to earlier landscapes. Such deposits can provide excellent conditions for the preservation of organic materials such as wood and leather, which may be encountered during the course of the development. Furthermore, there is a probable buried Roman landscape landward of the sea wall and thus a late medieval or early Post-medieval date is postulated for the majority of the extant landward ditches. It is certain that the landward rectangular field pattern predates the construction of the 16th century sea wall and is thus considered a significant early landscape. Further evidence of Romano-British deposits,

including a probable industrial feature, has been discovered eroding from the mudcliff face together with finds of pottery strewn over the foreshore.

- 4.3.3 The current application is for the installation of a new sewer system, including a pumping station, and as such will likely have had an adverse effect on any archaeological remains that may be present. Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

## **5. INTERNAL COUNCIL ADVICE**

- 5.1 PUBLIC PROTECTION MANAGER: No objection.
- 5.2 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection subject to the submission of a CEMP prior to the commencement of works.
- 5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY OFFICER): Had originally requested re-en/ditch projection measures as a condition, but since offers no objection following receipt of NRW's comments and considering the practicalities of the scheme and the improvement on offer.
- 5.4 HEAD OF STREETSCENE AND CITY SERVICES (DRAINAGE): Whilst I agree in principle with the proposal, I make the following comments;
- The proposed gravity sewer shall be continued through a residents garden – I suggest a relevant easement arrangement is considered;
  - A 150mm diameter pipe has been proposed for the gravity pipe. It should be confirmed how this diameter has been calculated;
  - It is proposed that this system is to discharge into Welsh Water's existing system. The applicant will be required to satisfy Welsh Water's connection agreements;
  - I suggest that cover levels (& gradients) are provided for the proposed manholes.
  - Pipe size of rising main should be provided and confirmed.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (9No properties) and a site notice displayed. One representation was received, objecting to the proposal on the following grounds;
- i) They understand that Welsh Water would erect a fence around any such pumping station and install spotlights, which would look unsightly and spoil the views across the green.
  - ii) Children play on the green and it is a feature that enhances the crescent.
  - iii) The loose grass cuttings from the green make the pathway slippery when wet – they do not envisage the Council keeping the grass around the pumping station tidy either.
  - iv) The existing pipe has caused small and inconvenience for a number of years, but they will not support this proposal, which will be directly in front of their home and would impact the value of their property.
  - v) They had not been informed or approached about this application which runs through their garden.

- 6.2 WENTLOOGE COMMUNITY COUNCIL: No response.

## **7. ASSESSMENT**

- 7.1 The proposed development would serve the properties along St Peter's Crescent (and possibly the 6No properties along Meadow View at a later date), providing them with a mains sewer connection. Waste water was previously disposed of via a treatment works located in an adjacent field, but this has not been operational for approximately the last 14 years. In the meantime, the waste water from these properties has been pumped out and tankered away on a daily basis by a Council vehicle. Permission was granted in 2009 for the installation of a pumping station in the

field at the end of Meadow View, along with extensive associated works to accommodate fencing and a turning area. However, it was subsequently established that those works were economically unviable. That permission has since lapsed, and this proposal is for an alternative arrangement.

- 7.2 The pumping station and pipework in question would be sited below ground, beneath the open space in St Peter's Crescent. Only the control box, which would measure 1.5m x 1m x 0.5m, would be visible above the ground. Such a cabinet would resemble a telecommunications cabinet, and it would be sited adjacent to the existing telegraph pole in order to reduce its visual impact and prominence.
- 7.3 Due to the distance of the properties in St Peter's Crescent from the existing sewer near Church Close and the topography of the area, a gravity sewer alone would not be sufficient to transfer the waste from St Peter's Crescent to the existing sewer. Therefore, a gravity sewer is proposed from the rear of 2 St Peter's Crescent, running along Meadow View to the proposed pumping station sited beneath the open space. This pumping station would then pump the waste water up through a rising main sewer to a connection with another (higher) gravity sewer which would then transfer the waste to the sewer near Church Close.
- 7.4 Policies SP3, SP4, SP5, SP6, SP8, SP9, GP1, GP2, GP3, GP5, GP6, CE3, CE6 and CE9 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this application. Although policies SP4 and GP3 relate more to developments creating new floorspace, these policies seek to ensure that developments are served by a public sewer system and the sustainable use of water. In allowing these properties to connect to the existing sewerage network, the proposal would result in a more satisfactory means of disposing waste water, compared with the current situation where it collects in the disused treatment plant in the adjacent field and is pumped out, which has the potential to cause damage to the local reed network and the qualities of the SSSI.
- 7.5 The majority of the infrastructure would be located underground, with only the control box visible on the open space. It is planned to be located adjacent to a telegraph pole in order to reduce its visual impact and ensure that the wider use of the open space is not unreasonably obstructed. Pumping stations that are adopted by Welsh Water usually require a turning area on site and extensive boundary fencing. However, due to the sensitive nature of the site, the Council intends to retaining control over the pumping station to avoid the need for any additional infrastructure. The visual impact of the proposal is therefore considered to be minimal, with the control box being a common feature of the urban area and the countryside. The Council's Public Protection Manager has offered no objection to the proposal. It is therefore concluded that there would be no detrimental impact on the residential amenity of neighbouring properties or on the visual amenities of the area, inclusive of the Special Landscape Area, Green Belt, Landscape of Outstanding Historic Interest or the setting of the Listed Church, as referred to in GGAT's observations.
- 7.6 Further discussion has taken place with the Council's Ecology Officer with regards to the protection of the field ditch at the end of Meadow View and the practicalities of providing a buffer due to the location of the proposed gravity sewer. Further to the comments given by NRW, the Ecology Officer has agreed that a buffer to the field ditch is not necessary in this instance. Ultimately the proposal would provide enhancement to the ditch network by disposing of waste in a more secure manner. It is therefore considered that the proposal would not adversely affect the SSSI, thereby satisfying policies SP9 and GP5 of the LDP.
- 7.7 The Drainage Officer has offered no objection to the proposal, but has requested further technical information on the drainage system proposed. Details of this can be secured by condition. Whilst

the site lies within the C1 flood zone and developed coastal zone, given the nature of the proposal it is considered that there would not be any significant impact on these matters, thereby satisfying policies SP3, GP1 and CE9 of the LDP.

7.8 The Council's archaeological advisors (GGAT) have requested that a condition be attached to any permission which requires the submission of a written scheme of investigation to ensure that the architectural resource that may be present, is protected. The proposal, therefore, satisfies policy CE6 of the LDP.

7.9 Some of the neighbour's comments have been addressed above. However, the issue regarding the Council's grass cutting and the impact on the value of their property are not material planning considerations. In relation to being notified of the application, Certificate B has since been served on the relevant owners, as well as a consultation letter being sent. Further discussion regarding an easement on their property will be discussed in due course with the relevant Council departments, however this separate to the planning process and this assessment.

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **8.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

### **8.6 *Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

### **8.7 *Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## 9. CONCLUSION

9.1 Having regard to the aforementioned policies for the LDP, it is considered that the proposed works would improve the drainage arrangement in the area, to the benefit of local residents, without any unreasonable detrimental harm to the residential or visual amenities of the area. It is therefore recommended that planning permission is granted subject to conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents; JNA1288/GA/PA/001 and JNA1288/GA/PA/002 General Arrangement and JNA1288/GA/PA/002 Proposed long section and above ground plan (Amended 17/10/2016)

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

#### ***Pre- commencement conditions***

02 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

03 No development shall commence until details of the diameter of the gravity pipe and rising main, and details of the manhole cover levels and gradients have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure proposed drainage system is of adequate capacity.

04 No development, to include demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- wheel wash facilities, and
- contractor parking.

Development works shall be implemented in accordance with the approved CEMP.

Reason: To protect the amenities of nearby residents

#### ***General Condition***

05 The control cabinet shall be finished in a dark green colour at the time of its installation and be retained in that colour thereafter.

Reason: In the interests of visual amenity.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Flygt Packed Pumping Stations brochure.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP3, SP4, SP5, SP6, SP8, SP9, GP1, GP2, GP3, GP5, GP6, CE3, CE6 and CE9 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 It is advised that works are carried out having regards to the relevant pollution prevention guides which can be found at the following address;

[http://www.netregs.org.uk/library\\_of\\_topics/pollution\\_prevention\\_guides.aspx](http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides.aspx)

05 The proposed development is crossed by a 125mm distribution watermain, the approximate position being shown on the plan provided as part of the DCWW consultation response. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

06 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

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## **APPLICATION DETAILS**

**No:** 16/0787      **Ward:** LANGSTONE

**Type:** FULL

**Expiry Date:** 03-NOV-2016

**Applicant:** GARETH DRAPER, NEWPORT CITY COUNCIL

**Site:** LANGSTONE JUNIOR AND INFANT SCHOOL, OLD ROMAN ROAD, LANGSTONE, NEWPORT, NP18 2JU

**Proposal:** DEMOLITION OF 3NO. DEMOUNTABLE CLASSROOMS, ERECTION OF SINGLE STOREY CLASSROOM EXTENSION AND LINK CORRIDOR, CREATION OF MULTI-USE GAMES AREA (MUGA) WITH FENCING AND ENLARGEMENT OF EXISTING CAR PARK

**Recommendation:** Granted with Conditions

### **1. INTRODUCTION**

- 1.1 This application seeks permission to demolish 3no. existing demountable classrooms at Langstone School and erect a new single storey classroom building. It is also proposed to create a multi-games area (MUGA) and enlarge the existing car park.
- 1.2 Langstone Primary School is within, but on the edge of, Newport's settlement boundary. It is sited between Old Roman Road and Tregarn Road. Vehicular access is available from Old Roman Road to the north and Robin Hood Lane to the East. The site gradient falls from north to south with Old Roman Road elevated above Tregarn Road by approximately 20 metres. The interior of the school site has been profiled so to provide various plateaus for car parking and play spaces. Owing to the difference in land levels, from within the site only the roofs of houses fronting Tregarn Road are visible and the existing school buildings are low in profile and do not appear prominent within the landscape. The school site is large with a playground, hard surface sports area and playing field. A carpark serves each of the vehicular entrances with the largest being accessed from Robin Hood Lane.

### **2. RELEVANT SITE HISTORY**

08/1540	ERECTION OF FIVE CANOPIES	GRANTED WITH CONDITIONS
07/0717	FORMATION OF CAR PARK, DRIVE AND ASSOCIATED WORKS	GRANTED WITH CONDITIONS
04/1263	ERECTION OF NEW OFFICE/RECEPTION BUILDING	GRANTED
00/0967	ERECTION OF SINGLE STOREY 2NO. CLASSROOM EXTENSION	GRANTED WITH CONDITIONS

### **3. POLICY CONTEXT**

Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

**GP2 (General Amenity)** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.



**GP5 (Natural Environment)** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

**GP6 (Quality of Design)** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

**T4 (Parking)** states that development will be expected to provide appropriate levels of parking.

#### **4. CONSULTATIONS**

4.1 NEWPORT ACCESS GROUP: No response.

#### **5. INTERNAL COUNCIL ADVICE**

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): No objection.

5.2 HEAD OF STREETSCENE AND CITY SERVICES (TREE OFFICER): Has recommended that a number of conditions are attached to any permission granted requiring: a root protection barrier, the appointment of a LPA approved arboriculturalist, and submission of details of a replacement tree for the tree to be felled.

5.3 HEAD OF STREETSCENE AND CITY SERVICES (ECOLOGY): Does not object and concurs with the recommendations of the bat report with regards to enhancement. The erection of bat boxes would be beneficial around the site. It may even be possible to install infra-red cameras so that the children can see what is happening inside the boxes. A landscape plan should be conditioned and should include areas set aside for wildlife e.g. wildflower meadows etc.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (LANDSCAPE OFFICER): No objection but recommends a fully-detailed Landscape Proposals Plan to show how the School intends to enhance the external environment is submitted.

5.5 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): No objection to the proposals but recommends that a condition is attached to any permission granted to require the submission and approval of a construction and environment management plan (CEMP).

5.6 HEAD OF EDUCATION (EDUCATION INFORMATION MANAGER): No response.

#### **6. REPRESENTATIONS**

6.1 NEIGHBOURS: Four neighbouring properties located opposite and sharing a common boundary with the site were consulted. No objections have been received.

6.2 COUNCILLORS: No comment.

6.3 LANGSTONE COMMUNITY COUNCIL: No comment

#### **7. ASSESSMENT**

7.1 Within the northern carpark, it is proposed to install 5no. new parking spaces by creating hardstandings on existing landscaped areas either side of and adjacent to the carpark entrance off Old Roman Road. Within the southern carpark it is proposed to install a roundabout. The Head of Streetscene and City Services has not objected to the proposals and it is not considered

that the loss of the small grassed areas adjacent to the entrance would have an adverse impact on the visual amenity of the site.

- 5.4 The three demountable classrooms to be demolished are located east of the main existing school building and the MUGA is to be constructed in that location. It is proposed to measure approximately 13.5m in width by 19.5m in length and will be enclosed by a mesh fence measuring up to 2.4m in height. The fence will only be visible within the school site and it will not therefore have an adverse impact upon the visual amenity of the area and is compliant with Policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).
- 5.5 The new extension is proposed to be located south of the existing school building within part of the area currently forming the playground and it will be attached to the main school via a link corridor. It will provide a nursery and three classrooms. The five additional parking spaces have been proposed to accommodate the increase in floor area and the Head of Streetscene and City Services does not object in this respect. The extension is proposed to measure 15m in width by 29m in length, narrowing to 25m at the elevation adjacent to the existing school with a maximum height of 4.7m. Owing to the fall of the land, the ground level of the wider part of the building will be approximately 2m below the ground level of the northern section of the building. The link corridor connects the northern elevation of the extension with the eastern elevation of the main school building where it extends from 3.6m to 5m in width. It is then proposed to run across the north-eastern corner of the existing building for approximately 10m and will have a maximum height of 2.4m underneath a flat roof. The extension is to be finished in cream render with grey aluminium double glazed windows. The materials are in contrast to the red brick of the existing school, however, this is not considered to have an adverse impact upon the appearance of the main building and in fact the proposed extension building respects the topography of the site and the design and form of the main building through incorporation of high level glazing and a mono-pitched roof design. Owing to its height and position within the site away from the site boundaries the proposal will not have an adverse impact upon the visual amenity of the area or upon residential amenities of neighbouring properties.
- 5.6 The erection of the new extension will require the felling of two existing beech trees (identified as T1 and T2). The Head of Streetscene and City Services has not objected to the removal of these trees subject to compliance with the submitted tree protection plan, the erection of root protection barriers, the appointment of an arboriculturalist which has first been agreed with the LPA and the submission of details for trees to replace the removed beech trees. The Landscape and Ecology Officers have also recommended that a landscaping scheme is submitted and it has also been recommended that bat boxes are installed around the site. Conditions will be attached to any permission granted to require the submission of details for approval in relation to the requirements of the tree officer, a landscaping plan and bat boxes.

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **8.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

### **8.3 Having due regard to advancing equality involves:**

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

8.6 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.7 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. **CONCLUSION**

9.1 The proposals are considered acceptable and it is therefore recommended that planning permission is granted subject to the following conditions.

10. **RECOMMENDATION**

01 The development shall be implemented in accordance with the following plans and documents: Tree Information Report dated April 2016, Bat Report, Site location plan (amended), demountable replacement site plan, 151 proposed sections, elevations, proposed ground roof plan, proposed ground floor plan, existing elevations, existing floor plans, proposed site plan, proposed fencing details 1 of 2, proposed fencing details 2 of 2, existing and proposed sections to MUGA.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

***Pre- commencement conditions***

02 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, air quality\*, vibration, dust\*\* and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

\* The Institute of Air Quality Management <http://iaqm.co.uk/guidance/>

\*\* The applicant should have regard to BRE guide 'Control of Dust from Construction and Demolition, February 2003

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

03 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with Treecare Consulting's report April 2016. Trees and hedges to be retained/felled shall be clearly identified and marked on a plan. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site.

04 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices shall be fixed to the fencing at a ratio of 1 per 10 panels stating ' CONSTRUCTION EXCUSION ZONE NO ACCESS'. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To protect important landscape features within the site.

05 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Supervision and monitoring of the approved tree felling and pruning works;
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (d) Oversee working within any Root Protection Area;
- (e) Reporting to the Local Planning Authority;
- (f) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Councils Tree Officer.

Reason: To protect important landscape features within the site.

06 Before the development, other than demolition, is commenced, written approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The scheme shall include details of a replacement tree for the trees removed including position, species and size. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April inclusive.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

07 Prior to the felling of trees T1 and T2 identified in the Tree Report 3No bat boxes should be installed into adjacent trees. These should be made of woodcrete, located at least 4m above ground level and face in a south-easterly direction.

Reason: to mitigate against the potential loss of bat habitats

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: langstone primary school floor plans, 1A topographical survey, 1B topographical survey, utility survey, summary of ground investigation report, The development shall be implemented in accordance with the following plans and documents: Tree Information Report dated April 2016, Bat Report, Site location plan (amended), demountable replacement site plan, 151 proposed sections, 151 proposed sections, elevations, proposed ground roof plan, proposed ground floor plan, existing elevations, existing floor plans, proposed site plan, proposed fencing details 1 of 2, proposed fencing details 2 of 2, existing and proposed sections to MUGA.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP6, GP5 and T4 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 The Supplementary Planning Guidance for Parking Standards was relevant to the determination of this application.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

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